



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/259,991	03/01/1999	CHRIS W. MAHNE	240/218	5948
33356	7590	04/07/2004	EXAMINER	
SOCAL IP LAW GROUP 310 N. WESTLAKE BLVD. STE 120 WESTLAKE VILLAGE, CA 91362			SMITHERS, MATTHEW	
		ART UNIT	PAPER NUMBER	
		2137	32	
DATE MAILED: 04/07/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES DEPARTMENT OF COMMERCE

U.S. Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

*[Handwritten signature]*

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
---------------------------------	-------------	---	---------------------

EXAMINER

ART UNIT      PAPER

32

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

Attached is an acknowledgment of the reply brief and a comment about the Information Disclosure Statement filed July 7, 2003..

*Matthew B Smithers*  
Matthew B Smithers  
Primary Examiner  
Art Unit: 2137

## DETAILED ACTION

### ***Acknowledgment of Reply Brief***

The reply brief filed February 5, 2004 has been entered and considered. The application has been forwarded to the Board of Patent Appeals and Interferences for decision on the appeal.

### ***Information Disclosure Statement***

Regarding appellants comment about the examiner not responding to the request that the Information Disclosure Statement (IDS) filed on July 3, 2003, be considered. First, the examiner respectfully points out that the requirement of 37 CFR 1.97(e) was not met by the appellant (see paper #26, page 15). More specifically, the appellant has failed to state either paragraph (1) or paragraph (2) under the section of 37 CFR 1.97(e). Second, the IDS (paper#23) was filed after the mailing date of the final action (see paper #22) and according to 37 CFR 1.97(c) the IDS shall be considered if it is submitted before the mailing date of a final action, notice of allowability or an action that otherwise closes prosecution in the application. Therefore, the request for consideration was denied.

  
Matthew B. Smithers  
Primary Examiner  
Art Unit 2137